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Draft Chesapeake Bay Total Maximum Daily Load

Comment On: EPA-R03-OW-2010-0736-0001
Clean Water Act Section 303(d): Notice for the Public Review of the Draft Total Maximum Daily Load (TMDL) for the Chesapeake Bay

Document: EPA-R03-OW-2010-0736-0282
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Submitter Information

Submitter's Representative: Lyle C. Tabb III
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General Comment

November 5, 2010

RE: Comment on draft EPA Rules for the Chesapeake Bay Watershed

Lisa Jackson
EPA Administrator

Dear Ms. Jackson,

My concern with the current proposed TMDL and future requirement for practices such as stream fencing, buffers, cover crops, no till, nutrient management, etc. is that this eastern panhandle area of West Virginia is already way ahead of the curve on all these things plus many others. This area has been preaching and practicing progressive environmental practice for at least 40 years. Extension Service, Soil Conservation Districts, NRCS, FSA, Chesapeake Bay Foundation, WV Department of Agriculture, SARE, and RC&D have all been promoting and implementing practices to save soil, prevent nutrient loss and prevent water pollution. The ag sector in this area was sequestering nutrients before the term was coined. It's been called cover crops and crop rotation along with no till production. Pasture management is another tool that has been used with regularity.

At this time, the first problem with your amounts of N, P and sediment for agriculture is that all amounts as presented at the Martinsburg, WV meeting of November 3, 2010 are calculated amounts, not actual measured amounts. I would ask the reader of this letter (if it gets read) to consider being accused of something and sentenced to a penalty without proof of what you were accused of. My point is that models established by people that have never been on the land, the streams or sampled discharge from farms are not valid.

At the Martinsburg, WV meeting, we were shown bar graphs with written amounts for discharge by

agriculture, then after questions were told that they were established models. We were also told, after further questions, that these numbers came from sample points. I have farmed over 40 years, spent 8 years on the WV FSA State Committee, 6 years on the Jefferson County FSA Committee and 10 years on the NE SARE Committee and have visited hundreds of farms, but have never been aware of or seen a sampling device as described at the November 3, 2010 meeting.

Another fallacy of the plans for the future is lack of accurate bench marks as to what practices are being carried out by farmers on their own as a regular part of the farming operation. Currently, the only credit for environmental enhancement practices that are recorded, are practices that are funded with cost share from some state or federal agency.

This method of accounting takes for granted that farmers only implement environmental enhancement practices if they are paid for it. It's true that cost share gets farmers to try things with less risk, but in the farm community, when something works, we do it on our own. So you need accurate accounting of what is going on in the field that is not cost shared. The great part of environmental enhancement practices is that nearly all practice have a positive economic impact for the farm which guarantees that these practices will be continued.

That gets me to the point of concern when I see requirements for the future that have already been implemented in my area. Ask yourself how can this area comply with a requirement for practices that are already implemented but not accounted for?

I only speak with knowledge of my area, but the accounting and models without actual tests I feel apply for the whole Chesapeake Bay watershed.

I believe I speak for a lot of farmers when I say we will fix any problems we have if there is science to show what the problem is, but at the same time we do not want to be the scapegoat so wastewater plants can pollute just because we do not have as many votes as what is served by the wastewater plants.

On the issue of selling credits from nonpolluters to polluters, I think this would only make it profitable to be out of compliance and I strongly disagree with this concept.

In closing, I'd like to say that I am disappointed that I only have two business days to respond to what I think are serious allegations and unreasonable future requirements that were just presented to me. My biggest concern is that the ag community is being blamed for something with nothing more than superstitions and estimates but no facts.

Sincerely,

Lyle C. "Cam" Tabb, III
President, Lyle C. Tabb & Sons, Inc.